

REMARKS

Currently, claims 18, 25-32, and 36-50, including independent claims 18, 28, and 29, are pending in the present application. Independent claim 18, for instance, is directed to a biodegradable fibrous web comprising biodegradable polymer fibers. The biodegradable polymer fibers comprise The web has a durable hydrophilic surface coated with a hydrophilic polymeric material in an amount of from about 0.01 to about 2.0 percent by weight, based on the dry weight of the web. The hydrophilic polymeric material is a cellulose derivative selected from the group consisting of hydroxyethyl cellulose, hydroxypropyl cellulose, methyl cellulose, ethyl cellulose, methyl hydroxypropyl cellulose, ethyl hydroxyethyl cellulose, carboxymethyl cellulose, or a combination thereof. The hydrophilic polymeric material will not significantly suppress the surface tension of an aqueous medium with which the web may come in contact.

In the Office Action dated April 28, 2009, claims 18, 22, 24-32, and 36 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,814,567 to Yahiaoui.¹ Yahiaoui is a durable hydrophilic coating for a porous hydrophobic substrate. The substrate may be a nonwoven web. The coating may be modified celluloses or cellulose derivatives. The hydrophilic coating does not significantly suppress the surface tension of an aqueous medium with which the coated substrate may come in contact.

Independent claim 18 requires that the biodegradable fibrous web comprises biodegradable polymer fibers. Yahiaoui fails to disclose or suggest the use of biodegradable polymer fibers. In addition, independent claim 18 has been amended to

¹ Applicants note that in their prior submission, dependent claim 27 was mistakenly omitted. Claim 27 is re-included in this submission.

include the limitation that the biodegradable polymers comprise polylactic acid.

Yahiaoui fails to disclose or suggest the use of biodegradable polymer fibers, let alone, polylactic acid. Applicants note that a claim is anticipated under 35 U.S.C. § 102 only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. As such, Applicants respectfully request withdrawal of the present rejection.

Additionally, previous dependent claims 28 and 29 have been amended to be independent. Claim 28 requires that a biomedical device comprises a biodegradable fibrous web similar to that of claim 18. Yahiaoui fails to disclose or suggest such a limitation. As Applicants teach, biomedical devices, such as those utilized for tissue regeneration (such as sutures, filters, scaffolds, etc.) require that the substrates be prepared in a manner in which the device is safe for the user (for instance, near an open wound). Yahiaoui teaches the use of the substrate in articles such as diapers, training pants, wipes, etc. Col. 2, lines 30-34. Yahiaoui does not disclose any teaching or motivation to require the substrates to be prepared in a manner that would be suitable for use as a biomedical device. Similarly, claim 29 requires a food package that comprises a biodegradable fibrous web similar to that of claim 18. Like the biomedical devices discussed above, food packaging requires products that must be safe for the consumer. Yahiaoui does not disclose any teaching or motivation to require the substrates to be prepared in a manner that would be suitable for use as a food package.

The previous claims were also rejected in the Office Action under the judicially created doctrine of obviousness-type double patenting in view of U.S. Application Serial

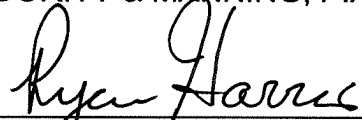
No. 10/734,006, which was filed on the same date as the present application. To the extent even necessary, Applicants agree to submit a terminal disclaimer to obviate this rejection when the application is otherwise in condition for allowance.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Singh-Pandey is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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